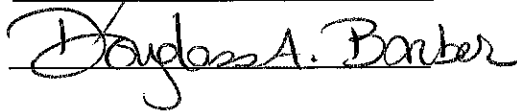


Approved: Meeting No. 16-13

Attest:


Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

February 4, 2013
Meeting No. 05-13
7:00 p.m.

Re: Executive Session pursuant to Section 10-508(a)(7) and (8) of the State Government Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice; and to consult with staff, or other individuals about pending or potential litigation (Alley Abandonment).

The Mayor and Council met in Executive Session on Monday, February 4, 2013, at 5:32 p.m. in the Diamondback Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland

Councilmember Newton made the motion to convene in Executive Session and it was seconded by Councilmember Moore and unanimously passed.

Present at the Executive Session were Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala. Also present were City Manager Barbara Matthews, Assistant City Manager Jenny Kimball, City Attorney Debra Daniel, Assistant City Attorney Payman Tehrani, City Clerk Doug Barber, Director of Public Works Craig Simoneau, Chief of Engineering Susan Straus, and City Engineer Mary Fertig.

The topic of discussion was Alley Abandonment.

The Mayor and Council adjourned the Executive Session at 7:06 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, February 4, 2013, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Clerk Doug Barber reported that the Board of Supervisors of Elections presentation has been rescheduled for the meeting of February 11, 2013.

4. City Manager's Report

There was no City Manager's Report.

5. Appointments/Reappointments and Announcements of Vacancies

Motion: to appoint Bruce Abram to Senior Citizens Commission as a member until 01/01/16.

Moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Mark Pierzchala and unanimously approved.

6. Presentation - Recognition of Major Donors and Partners of the City of Rockville's Holiday Drive

Carlos Aparicio, Community Services Manager, presented this item to the Mayor and Council. He said that as a result of contributions from 132 individuals and businesses, more than \$50,000 in food, cash, toys, and gift cards was raised for the 2012 Rockville Holiday Drive. Mr. Aparicio mentioned the many volunteers and sponsors for the Holiday Drive including: Manna Food Center, Rockville Church of Christ, Montrose Baptist Church, CAS & Associates, Inc. and St. Mary's Church, Robert Frost Middle School, Christ Episcopal School, Maryvale Elementary School, Franklin Montessori, Richard Montgomery High School, St. Mary's School, Children's Manor Montessori School, Lakewood Elementary School and College Gardens Elementary School.

7. Citizen's Forum

| <i>Citizen</i> | <i>Issue</i> |
|---------------------|---|
| Joe Lynott, Esquire | On behalf of Joe and Sue Adams regarding the Anderson Alley Abandonment |
| Sue Adams | Anderson Alley Abandonment |

8. Mayor and Council's Response to Citizen's Forum and Announcements

There were no comments from the Mayor and Council in response to Citizens' Forum.

9. Mayor and Council Reports

Councilmember Pierzchala reported that he went on a police ride-a-long and recommends this to anyone who is interested in knowing exactly how the police operate.

10. Consent Agenda

- A. Award of Rider Contract under Baltimore County Contract #B437, On-Call Design-Build Environmental Restoration, in an Amount Not to Exceed \$1,000,000 through November 21, 2016, to Perform Routine Maintenance on Public Stormwater Management Facilities and to Remove Non-Native Invasive Plants on City Property.

Motion: to award the Rider Contract under Baltimore County contract #B437, On-Call Design-Build Environmental Restoration, in an amount not to exceed \$1,000,000 through November 21, 2016, to perform routine maintenance on public stormwater management facilities and to remove non-native invasive plants on City Property.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Tom Moore and unanimously approved.

11. Adoption of Bond Ordinance to Authorize the Competitive Sale of Tax-Exempt 2013A General Obligation Bonds in an Amount not to Exceed \$20,000,000 for the Purpose of Financing the Construction of Water, Sewer, and Stormwater System Improvements as Reflected in the City's FY 2013 Capital Improvement Program (CIP) and Related Issuance Costs.

Motion: to adopt bond ordinance to authorize the competitive sale of tax-exempt 2013A general obligation bonds in an amount not to exceed \$20,000,000 for the Purpose of Financing the Construction of Water, Sewer, and Stormwater System Improvements as Reflected in the City's FY 2013 Capital Improvement Program (CIP) and Related Issuance Costs.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember John F. Hall, Jr. and unanimously approved.

12. Adoption of Bond Ordinance to Authorize the Competitive Sale of Tax-Exempt 2013B General Obligation Bonds in an Amount not to Exceed \$7,000,000 for the Purpose of Refunding Outstanding Debt Previously Issued in 2003 and Related Issuance Costs.

Motion: to adopt bond ordinance to authorize the Competitive Sale of Tax-Exempt 2013B General Obligation Bonds in an Amount not to exceed \$7,000,000 for the Purpose of Refunding Outstanding Debt previously issued in 2003 and Related Issuance Costs.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Mark Pierzchala and unanimously approved.

13. Discussion and Instructions- Creation, Structure, and Duties of a Financial Advisory Board.

Mayor Marcuccio suggested that each member of the Council take about five minutes to express their thoughts and views on the creation of a Financial Advisory Board.

Councilmember Pierzchala wanted to be sure enough time would be afforded to allow for a high level of discussion.

Using the document created by Councilmember Newton and initially distributed on December 10, 2012, the Mayor and Council went through each page and provided their suggested edits. At the end of the discussion, there was agreement to have staff capture the edits and reflect them in a new document that would be voted on at the Mayor and Council meeting on February 11, 2013. All the edits discussed during the course of this conversation can be found under Item no. 14, Attachment A on the February 11th agenda of the Mayor and Council.

14. Review and Comment Regarding Mayor and Council Action Report

Regarding the Town Square Merchant's meeting and construction in the Regal Row Parking Lot, Councilmember Newton said that the Mayor and Council do not need to send a letter and in fact have been requested not to. Councilmember Moore inquired whether or not some of the circle on Monroe Street can be used for parking. Ms. Kimball said that due to the location of the Circuit Court, they will likely not allow parking but she will get a definitive answer from County.

15. Review and Comment Regarding Future Agendas

In view of the many changes that will be taking place in connection with the upcoming Hometown Holidays, Councilmember Newton requested that this item be added to an agenda for discussion. Councilmember Newton also requested that the Town Center Text Amendment be introduced and adopted at the same time. Councilmember Pierzchala requested that the Anderson Alley Abandonment come back sooner rather than later. Councilmember Moore asked about the status of the Raskin Ethics Bill and City Attorney Daniel responded that there is not a formal bill yet and the Mayor and Council should delay this until a bill is actually introduced.

16. Old/New Business

Regarding the Final Report of the Charter Review Commission, Councilmember Pierzchala asked that it include an appendix that would contain the Commission's discussion and recommendations as to how they arrived at the final document. Councilmember Pierzchala said there is considerable value in having this type of information as it does not necessarily always come through in the Report. Councilmember Moore said we should find out from the Commission if they are comfortable with releasing the extra context and City Attorney Daniel said that staff would mention this to the Commission at their next meeting. Councilmember Pierzchala referenced an article he had seen recently in the Washington Post concerning deer control and the use of contraception as a means to control deer overpopulation. He asked that staff take another look on the viability of contraception as a way to reduce the deer population in Rockville through nonviolent means, noting that the Rockville Task Force on Deer Control did not seem to think contraception was a good way to go. Councilmember Newton said that she would like to add a conversation to an agenda on the affect that GASBE 67 and 68 might have to the City's general fund and reserves.

17. Adjournment

There being no further business, the meeting adjourned at 12:22 a.m.

Motion: to adjourn.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Bridget Donnell Newton and unanimously approved.